

REMARKS

Provisional election to prosecute the invention in Group III, claims 26-40 was made with traverse. Applicants affirm this election without traverse in favor of filing a divisional applications on the non-elected claims. Accordingly, the non-elected claims have been canceled.

New claims have been added which depend upon claim 26, a claim elected within Group III. Entry of these amendments is respectfully requested. Support for each of the claim limitations may be found in the original claims as presented.

The specification has been amended to correct the typographical error on page 8, first full paragraph beginning on lines 10 and ending at line 24, and specifically at line 21. Support for 0.05 dL/g is self evident in the context of the sentence, and expressly identified as such in line 24 describes numerical limit of 0.05 dL/g. Accordingly, entry of the amendment to this paragraph is respectfully requested.

◦ Claims 26-40 stand rejected under 35 USC § 102 (b) as being anticipated by Fujimori et al. For the reasons which follow, Applicants submit that Fujimori et al. do not disclose the claimed invention.

Claim 26 and all claims dependent thereon call for, among other things, feeding to an extrusion zone polyester polymer articles having an It.V. at their surface which is less than 0.25 dL/g higher than the It.V. at their center. Further, the It.V. of the pellets fed to the extrusion zone has to be at least 0.70 dL/g. Fujimori et al. do not anticipate the claims because Fujimori et al. do not disclose feeding to an extrusion zone polyester polymer pellets having an It.V. of at least 0.70 dL/g having an It.V. at their surface which is less than 0.25 dL/g higher than the It.V. at their center. It is noted in the Office Action that the It.V. difference between the center and surface of the particles is necessarily inherent in the disclosure of Fujimori et al., because Fujimori et al. disclose that the "presence of antimony in a polyester particles (Col. 8, lines 34-38) help stabilize viscosity uniformity of the polyester particles during extrusion." Further, Column 8, lines 34 et Seq. actually teach that the "ratio the number of fine particles to the number of metallic antimony particles is high."

As with any inherency argument, the disclosure of a reference must, within all of its described parameters, necessarily and always produce the feature described in the claim. There is no indication or reason to expect that the presence of antimony particles

provides the claimed surface to center It.V. difference. There is no reason to expect that type, quantity, or use of a particular catalyst determines the It.V. polymer particle fed to an extruder will. In fact, Fujimori et al. provide evidence to expect the It.V. gradient of the polymer particles fed to the extruder is high, because in each of the working examples set forth in Fujimori et al., Table I, the polyester polymer particles made from a melt phase polymerization were solid state polymerized before introducing the particles into a molding machine, and the solid state polymerized particles were not re-melted and re-solidified prior to their introduction into the extrusion zone. By solid state polymerizing the particles, the It.V. gradient is enlarged between the surface of those particles and the core of the particles. As noted in Applicant's specification beginning at page 9, line 31:

"it is preferred to feed the extruder for making sheet or preforms with polyester particles which have not been subjected an increase in their molecular weight in a solid state since typical solid state polymerization processes impart an undesirably large difference in It.V. between the center of the particle and the surface of the particle."

Fujimori et al. do not expressly disclose the claimed small It.V. gradient between the surface and center of the particles. There is no reason to believe that the use of a catalyst would provide a polymer with the claimed It.V. differences. In fact, Fujimori et al. teach subjecting the particles to solid state polymerization prior to introduction in the extrusion zone, thereby likely imparting a high It.V. gradient, and there is no indication that such a high It.V. gradient is reduced by, for example, re-melting and re-solidifying the solid state polymerized pellets before their introduction into an extrusion zone or other zone for making articles. For these reasons, Applicants submit that none of the claims are anticipated or suggested by Fujimori et al.

Further, claim 34 calls for feeding particles to an extrusion zone which have not been solid state polymerized before drying. This feature is not disclosed by Fujimori et al. Fujimori et al. teach away from the feature of claim 34 because the particles of Fujimori et al. are solid state polymerized before their introduction into the molding machine and before entering a drying vessel for melting the particles in the extrusion zone. Accordingly, Applicants request withdrawal of the rejection of claim 34.

80097

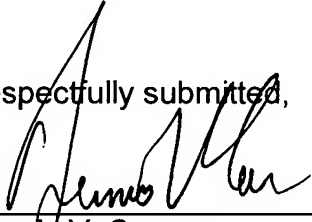
Claim 35 calls for the presence of particles having an acetaldehyde level of 10 ppm or less prior to melting in the extrusion zone. The Office Action states that the process of making polyester particles as described prohibits the formation of acetaldehyde. It is alleged in the Office Action that the acetaldehyde level in the polyester particles is close to zero, but no support is found in Fujimori et al. for this allegation, nor has the Office Action provided support for this proposition. The combination of low acetaldehyde having an It.V. of at least .70 dL/g It.V. difference between the surface and center of the particles is not disclosed or suggested by Fujimori et al.

With respect to the said claims, nothing in Fujimori et al. suggest or disclose introducing polyester particles into a extrusion zone which have not been solid state polymerized, and which have an It.V. of .70 dL/g or higher.

For these reasons, Applicants respectfully request favorable reconsideration of the claims and allowance of the same.

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6189
FAX: (423) 229-1239

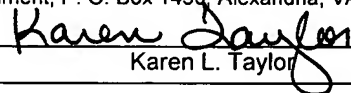
Respectfully submitted,


Dennis V. Carmen
Registration No. 35,007

March 15, 2006
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P. O. Box 1450, Alexandria, VA 22313-1450.


Karen L. Taylor

3/15/2006
Date